



ATTORNEYS AT LAW

Chrysler Building

405 Lexington Avenue | 36th Floor
New York, New York 10174-3699
212.785.2577 | fax 212.785.5203
www.carltonfields.com

Michael L. Yaeger
Shareholder
212.383.9623 (Direct)
myaeger@carltonfields.com

Atlanta
Hartford
Los Angeles
Miami
New York
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Tallahassee
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West Palm Beach

July 31, 2019

Via ECF

The Honorable Robert W. Lehrburger
United States Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK) (S.D.N.Y.)

Dear Judge Lehrburger:

We write to you jointly as counsel for non-parties Joshua Rizack and The Rising Group Consulting, Inc. ("Mr. Rizack") and counsel for plaintiff Chevron Corporation ("Chevron") to inform you that we are currently working to negotiate a resolution to Chevron's July 16, 2019 Motion to Compel Joshua Rizack and The Rising Group Consulting, Inc. to Produce the Mirror Images of their Electronic Devices for Inspection (the "Motion") (Dkt. 2265) and have been exchanging drafts of a proposed forensic protocol.

Both Chevron and Mr. Rizack have designated a computer forensic expert for purposes of this motion – Spencer Lynch of Stroz Friedberg for Chevron, and Kevin Faulkner of Crypsis for Mr. Rizack. Mr. Rizack has agreed to provide his counsel with a list of his devices and media accounts that he has used to access, communicate, or store information relating to any individual or entity in the Subpoena or topics covered thereby since March 4, 2012, and to provide his counsel with the devices containing any such information and the information required to access the devices and media, on or before August 7th, so that they may be imaged. Mr. Rizack has agreed, in principle, to have his expert conduct a forensic examination of his devices and media accounts in order to search for and locate for production previously unproduced responsive, non-privileged documents, and to conduct a deleted files and recovery analysis. Mr. Rizack has also agreed that no documents will be withheld based on any claim of privilege claimed by, through, or on behalf of, directly or indirectly, Stephen Donziger, or anyone acting on Mr. Donziger's

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behalf. Mr. Rizack and Chevron are continuing to negotiate to determine if they can resolve other issues and agree to a forensic protocol.

Given that we have reached significant points of agreement, if it is acceptable to Your Honor, we propose that in lieu of Mr. Rizack filing an opposition to the Motion, we will continue to negotiate until on about August 9th. If agreement is reached on or before August 9, 2019, the parties will file a Stipulation and Protocol with the Court on that date. If we are unable to reach agreement on all forensic protocol issues by August 9th, we will submit a joint brief, not to exceed 15 pages, on or before August 15, 2019, setting forth Mr. Rizack's and Chevron's respective positions on any outstanding issues and points of disagreement for the Court's determination. Mr. Rizack's time to respond to the Motion is presently July 31, 2019, and no prior extensions of time to respond have been requested.

Respectfully,

CARLTON FIELDS, P.A.

/s/ Michel L. Yaeger
Michael L. Yaeger
Alex B. Silverman
*Attorneys for non-parties Joshua Rizack and
The Rising Group Consulting, Inc.*

cc: Randy M. Mastro, Gibson Dunn
Andrea E. Neuman, Gibson Dunn